IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 8495 of 1997

For Approval and Signature:

HONOURABLE MR.JUSTICE S.R.BRAHMBHATT

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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PRAVINCHANDRA RANCHHODLAL SOLANKI - Petitioner
Versus
IOC & 2 - Respondents

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Appearance :
MR GIRISH PATEL for Petitioner : 1,
MR PRABHAV MEHTA FOR NANAVATI ASSOCIATES for Respondents : 1 - 3.

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CORAM : HONOURABLE MR.JUSTICE S.R.BRAHMBHATT

Date : 28/09/2007

ORAL JUDGMENT

1. In this matter, as noted on earlier occasion efforts were

made to amicably settle the matter. On 17.9.2007, therefore, the matter was adjourned in order to enable the counsel for respondent Nos. 1 to 3 to obtain appropriate instructions.

2. Shri Mehta for Nanavati Associates counsel for the respondents has placed on record the communication received by his office from the respondents dated 29.8.2007, which is ordered to be taken on record. Shri Mehta has further submitted under the instructions that his clients have instructed him to accept the apology that may be tendered on behalf of the petitioner and the Corporation may not have any objection if the Court is modifying the order of punishment to that of simple termination of service and/or discharge simpliciter without any back wages. Shri Mehta has submitted that if the order of punishment is modified to that of simple termination of service or discharge simpliciter then also, as per his instructions from his client, the petitioner shall be paid on his application the statutory dues like gratuity and CPF admissible to the petitioner.

3. In view of that, Shri Patel, learned counsel appearing for

the petitioner tenders sincere apology on behalf of the petitioner and submits that the petitioner is ready to accept the order of simple termination of service and the petitioner would make appropriate application for his statutory dues like CPF and gratuity permissible under the Rules.

4. In view of this, the order of dismissal impugned in this petition is hereby modified into that of simple termination and in view of the consensus between the parties, the petitioner would make an application for receiving the amount of CPF and Gratuity permissible under the Rules and same shall be paid to him within four weeks from the receipt of the application. The petition is disposed of accordingly. Rule is discharged. There shall be no order as to costs.

[S.R.BRAHMBHATT, J.]

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